

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59816 of 2018

Arising Out of PS. Case No.-208 Year-2017 Thana- BARACHATTI District- Gaya

Manoj Prasad son of Ruplal Prasad, resident of Village- Ajnaw, P.S.
Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar

For the Opposite Party/s : Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 21-02-2019 Since the case diary of Barachatty (Mohanpur) P.S. Case No. 208 of 2017 was called for by this Court vide order dated 28.9.2018 but it was not transmitted, hence, the Senior Superintendent of Police, Gaya was directed to despite some responsible officer to be present in the Court along with the case diary and consequently, the Dy.S.P., Jitendra Kumar Pandey is present and undertakes to transmit the case diary henceforth in time.

Accordingly, the personal appearance of Dy.S.P., Gaya is dispensed with.

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC. and Sections 2(E), 3,5(B) and 18 of the Bihar Mahua Flower



Rules, 2006.

The prosecution case is that three motorcycles were intercepted and from two motorcycles, 50 kilograms Mahua flower each and from the third motorcycle, 100 kilogram Mahua flower were recovered. It is alleged that two persons, namely, Arun Kumar Yadav and Ajay Kumar Yadav (non-petitioners) were apprehended on spot, who suggested the name of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended on spot and any of the three alleged motorcycles is not registered in the name of the petitioner.

Learned APP after going through the case diary, submits that the name of the petitioner sprang up in the statement of apprehended co-accused. However, none of the motorcycle was found registered in the name of the petitioner.

Considering the fact that the petitioner was not apprehended on the spot, the accusation does not suggest recovery from the possession of the petitioner and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



the learned Special Excise Judge, Gaya in connection with
Barachatty (Mohanpur) P.S. Case No.208 of 2017 subject to the
conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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